



Making San Francisco Bay Better

October 18, 2013

Mr. Peter Prows  
Briscoe Ivester & Bazel LLP  
155 Sansome Street, 7<sup>th</sup> Floor  
San Francisco, California 94104

SUBJECT: BCDC Permit No. 1985.019.09B; Plan Review Response to September 19, 2013 email, September 20, 2013 letter, October 15, 2013 and October 16, 2013 emails; Public Pavilion at Jack London Square, Oakland, California

Dear Mr. Prows:

We are writing in response to your September 19, 2013 email, September 20, 2013 letter, October 15, 2013 and October 16, 2013 emails by which you have requested plan review for various aspects of the public pavilion and public access features as required by BCDC Permit No. 1985.019.09B. The following submitted documents are the subject of this letter:

1. September 19, 2013 email describing the proposed public access tables and chairs with specifications attached for each.
2. September 20, 2013 letter, received in our office on the same date, requesting plan review of the movable wall system. The following plans were attached to that letter:
  - a. One set of full size plans (24x36) and one set of 8.5x11 size plans entitled "Public Pavilion; Jack London Square, Oakland, California; New Collapsible, Enclosure Walls for the Public Pavilion," prepared by Juan Rubio of Rubio Bowden Design and dated July 24, 2013. This plan set includes the following sheet numbers: A.0.1, A.0.2, A.1.1, A.1.2, A.2 and A.3.
  - b. Fifteen 11 x 17 bound plans entitled "Public Pavilion: Jack London Square, Oakland, California," prepared by Juan Rubio of Rubio Bowden Design and dated October 5, 2012. This plan set includes the following sheet numbers: A.0, A.1, A.2, A.3, A.4, A.5, and A.6.
3. October 15, 2013 email requesting plan review of three attached plans depicting proposed public access signage. The three plans, which are not dated and do not indicate who prepared them, have the following titles: "Public Pavilion Regulatory Signs: Location/Site Plan", "Public Pavilion Regulatory Signs: Exhibit Plan" and "Public Pavilion Regulatory Signs: Exhibit Plan, Sign Specifications".
4. October 16, 2013 email requesting plan review of two attached plans depicting placement of the proposed public access tables and chairs. The two plans, which are not dated and do not indicate who prepared them, have the following titles: "Public Pavilion Table and Chair Exhibit" and "Public Pavilion Table and Chair Exhibit, Page 2".

These materials have been reviewed pursuant to the authorization and requirements of BCDC Permit No. 1985.019.09B. After careful review, we have determined the following:

1. **Response to and Approval of September 19, 2013 email and October 16, 2013 email regarding public access tables and chairs.** The proposed public access tables and chairs have a pleasing appearance and will function well for the public's use and enjoyment. These will serve to fulfill the permit's requirement for 15 tables and 35 chairs to be in place at all times within the pavilion when it is not in use for private events or other approved public events. The proposed selection of tables and chairs and the proposed plan for placement are **approved**. We observed in the photo provided that the tables and chairs are not located within the pavilion area as shown on the proposed plan and required by the permit. Please ensure that field placement of the tables and chairs follows the proposed plan and not the placement shown in the photo.
2. **Response to and Plan Denial of September 20, 2013 letter and attached movable wall system plans.** Please revise the plans as requested and resubmit them for plan review and approval.
  - a. Full size plans (24x36) and one set of 8.5x11 size plans entitled "Public Pavilion; Jack London Square, Oakland, California; New Collapsible, Enclosure Walls for the Public Pavilion":
    - (1) **Stacked Panels Near Stage:** These panels extend to the point we had discussed and agreed upon. However, we have not previously discussed or reviewed the steel frame door now shown adjacent to these panels. As noted below, this door requires authorization through an amendment.
    - (2) **Stacked Panels Near Service Area:** As noted in our March 14, 2013 letter, "the panels in this area extend further towards the Bay than what was depicted on the conceptual plan entitled "Sheet A.2 – Public Pavilion Plan View with Panels in Stored Position." The current configuration blocks open views through the pavilion structure." Please revise the plans to reflect the previous configuration that we had agreed upon and may approve.
    - (3) There are several items depicted in the drawings, which are not currently authorized in the permit. As such, and as noted in our May 30, 2013 letter, these items should not be included on the plans until authorization has been obtained through an amendment to the permit, a request for which is now pending. If you feel it may be too confusing to delete these items from the plans, you may depict them with dashed lines and add a note that describes them and explains that plan review and approval is not being sought at this time for these items. The following items are not currently authorized in the permit:
      - (a) **Steel Frame Emergency Door.** This is shown facing the restaurant on the western side of the pavilion. This door did not appear on previous plans. Please explain why the door has been added;
      - (b) **Stage Area and Storage Unit.** We understand that you are seeking after-the-fact authorization for this structure;

- (c) **Permanent Wall at Northern Corner of Pavilion.** As noted in our March 14, 2013 and May 30, 2013 letters, this fixed wall was not originally envisioned in the movable wall system and requires authorization through an amendment; and
  - (d) **Permanent Wall with Double Swing Service Door on Northern Side of Pavilion.** In previous plans, we had understood that these walls would all be constructed with translucent movable panels. Authorization for this permanent wall with double swing a service door should be sought through an amendment.
- b. 11 x 17 bound plans entitled "Public Pavilion: Jack London Square, Oakland, California": Please note that we previously received these same plans on April 17, 2013 and provided a plan review response letter on May 30, 2013. Upon careful review, we were not able to discern any differences between this bound set and the same set submitted April 17, 2013. We discussed our receipt of these plans by phone and you acknowledged it appeared to be a mistake that we were sent these same plans once again. As such, we will not respond to these plans again.
3. **Response to and Partial Approval of October 15, 2013 email and attached public access signage plans.** Special Condition II.B.5.d of the permit requires that there be two permanent and two temporary public access signs in the vicinity of the pavilion. The proposed locations for the permanent signs (one on the waterside railing and one on southwest corner of the Scott's Restaurant building) will work well, although these signs would be better sized as 12"x12" rather than 18"x18". Regarding the two temporary signs, we believe that the 18"x18" size is appropriate and that only one is needed in the vicinity of the eastern corner, rather than two as shown on the plan. The second temporary sign would be best placed near the far western corner of the pavilion. Please revise your plans accordingly and resubmit to us for review and approval.

If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643 or by email at [ellenm@bcdc.ca.gov](mailto:ellenm@bcdc.ca.gov).

Sincerely,



ELLEN MIRAMONTES  
Bay Design Analyst

EM/gg

cc via email: Steve Fagalde, Scott's Restaurant  
Caroline Morris, Ellis Partners  
Steve Hanson, Consultant to Scott's Restaurant  
Richard Sinkoff, Port of Oakland's Director of Environmental Programs and Planning  
Adrienne Klein, BCDC Chief of Enforcement  
Brad McCrea, BCDC Director of Regulatory Affairs